

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

October 14, 1999

UNITED STATES OF AMERICA)	
Complainant,)	8 U.S.C. § 1324a Proceeding
)	
v.)	OCAHO Case No. 99A00049
)	
ASPEN COMPANY, INC., d.b.a.)	
ASPEN PET PRODUCTS)	
Respondent.)	

FINAL DECISION AND ORDER
GRANTING JOINT MOTION TO DISMISS

This is an action arising under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a (INA), in which the United States Department of Justice, Immigration and Naturalization Service (INS) is the complainant and Aspen Company, Inc., d.b.a. Aspen Pet Products is the respondent. INS filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) to which a timely answer was filed. Discovery was undertaken and on October 4, 1999, the parties filed a Joint Motion to Dismiss, together with a Settlement Agreement signed by both parties which agreement resolves all issues raised by the complaint.

Under § 68.14(a) of the OCAHO Rules of Practice and Procedure¹:

- (a) Where the parties or their authorized representatives or their counsel have entered into a proposed settlement agreement, they shall:
 - (1) Submit to the presiding Administrative Law Judge:
 - (i) The agreement containing consent findings; and
 - (ii) A proposed decision and order; or
(emphasis added)
 - (2) Notify the Administrative Law Judge that the parties have reached a full settlement and have agreed to dismissal of the action. Dismissal of the action shall be subject to the approval of the Administrative Law Judge, who may require the filing of the settlement agreement.

28 C.F.R. § 68.14.

¹ Rules of Practice and Procedure for Administrative Hearings, 28 C.F.R. Pt. 68 (1999).

In this case, I find that the parties have complied with the requirements of 28 C.F.R. § 68.14(a)(2). I have reviewed the Settlement Agreement, and I find that its terms are appropriate and that the Motion to Dismiss should be, and hereby is, granted and the action is dismissed.

SO ORDERED.

Dated and entered this 14th day of October, 1999.

Ellen K. Thomas
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of October, 1999, I have served copies of the foregoing Final Decision and Order Granting Joint Motion to Dismiss on the following persons at the addresses indicated:

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